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February 9, 2007

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Mr. Ed Mazzullo, Director
Office of Hazardous Material Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW (DHM-10)
Washington, DC 20590-0001
FAX: (202) 366-3012

PHMSA-2007-27318-1

Dear Mr. Mazzullo:

I am writing to you to request a regulatory change to the Department of Transportation (DOT) hazardous material regulations, which would achieve international alignment and harmonization with the United Nations by incorporating an exception that currently exists in the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air but does not exist in the DOT hazardous material regulations.

The specific regulatory text requested to be incorporated into the DOT hazardous material regulations is the following entry in the hazardous material table, "Permeation devices, containing dangerous goods, for calibrating air quality monitoring equipment," and the special provision referenced by this entry, Special Provision A41. (Refer to the regulatory text of Special Provision A41 found on the attached page.)

Shipments of permeation tubes between other UN countries may take advantage of this special provision; however, shipments into, out of, or through the United States may not.

Thank you for your consideration of this request. Please call me at (919) 461-1220 if you have questions or would like to discuss this request further.

Sincerely,

Andrew N. Romach
Corporate Regulatory Manager
URS Corporation

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A41 Permeation devices that contain dangerous goods and that are used for purposes of calibrating air quality monitoring devices are not subject to these Regulations provided the following requirements are met:

(a) each device must be constructed of a material compatible with the dangerous goods it contains;

(b) the total quantity of dangerous goods in each device is limited to 2 mL and the device must not be liquid full at 55°C;

(c) each permeation device must be placed in a sealed, high impact-resistant, tubular inner packaging of plastic or equivalent material. Sufficient absorbent material must be contained in the inner packaging to completely absorb the contents of the device. The closure of the inner packaging must be securely held in place with wire, tape or other positive means;

(d) each inner packaging must be contained in a secondary packaging constructed of metal, or plastic having a minimum thickness of 1.5 mm. The secondary packaging must be hermetically sealed;

(e) the secondary packaging must be securely packed in strong outer packaging. The completed package must be capable of withstanding, without breakage or leakage of any inner packaging and without significant reduction in effectiveness:

1. the following free drops onto a rigid, non-resilient, flat and horizontal surface from a height of 1.8 m:
—one drop flat on the bottom;
—one drop flat on the top;
—one drop flat on the long side;
—one drop flat on the short side;
—one drop on a corner at the junction of three intersecting edges; and

2. a force applied to the top surface for a duration of 24 hours, equivalent to the total weight of identical packages if stacked to a height of 3 m (including the test sample).

Note: Each of the above tests may be performed on different but identical packages.

(f) the gross weight of the completed package must not exceed 30 kg.

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